



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



POLICY NUMBER	
OPR:08	
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SUBJECT: VEHICULAR PURSUITS

1.0 PURPOSE

The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuits.

2.0 POLICY

It is the policy of the Department of Public Safety (DPS) to conduct vehicular pursuits in the safest manner possible. DPS recognizes that vehicular pursuits are a necessary component of the law enforcement function. Vehicular pursuits are tense, uncertain, and rapidly evolving. The safety of the public, officers, and fleeing suspect is of paramount importance. All employees involved should consider voluntary termination of a pursuit when the danger to citizens and officers outweighs the need to stop the fleeing suspect.

3.0 APPLICABILITY

This policy is applicable to all commissioned officers and communications specialists of the Department of Public Safety.

4.0 REFERENCES

- A. **DPS Policy - OPR:05 Hollow Spike Belt, Stop Sticks and Forcible Stops**
- B. **DPS Policy - ADM:04 Internal Investigations**
- C. **§29-20-1 to §29-20-4, Law Enforcement Safe Pursuit Act, NMSA 1978**
- D. **§66-7-6, Authorized Emergency Vehicle, NMSA 1978**
- E. **CALEA Chapter 41- Patrol**

5.0 DEFINITIONS

- A. **Boxing-In** – The surrounding of a pursued vehicle with police units and/or privately owned vehicles, which are then slowed gradually to a stop. This technique may be used once the pursued vehicle stops or becomes stationary.
- B. **Channelization** – The deliberate directing of a vehicle onto another roadway or traveling surface by the use of stationary objects (pylons, barricades, vehicles) placed in its current path of travel. Channelization may also include situations requiring a vehicle to continue and maintain a particular direction of travel. In situations such as this, stationary objects are strategically placed, prohibiting the vehicle from changing direction of travel. This technique requires supervisory authority, unless the situation requires the officer to take immediate action to prevent injury.
- C. **Commander** – Person in command of employees involved in the pursuit, typically the captain of the district.
- D. **Immediate Threat** – For the purposes of this policy, an immediate threat is defined as a threat of great bodily injury or death requiring immediate action to stop the threat.

Clarification
added.

- E. Marked Patrol Vehicles** – A vehicle displaying a specialized New Mexico State Police, Motor Transportation Police Division or Special Investigation Division registration license plate and is designated by the New Mexico State Police Chief as an authorized emergency vehicle. The specialized license plate shall have the vehicle's unit number. The vehicle shall be equipped with red flashing lights and a siren and may be one solid color without decals or painted to the division's specified paint scheme with division identifying decals affixed on the exterior.
- F. Municipality** – As used in this policy, "entering a municipality" means the actual movement of a pursued vehicle into an urban incorporated area. This does not include the pursuit of a vehicle through an urban incorporated area, while remaining on a controlled-access roadway. **Example:** A vehicle being pursued, which gets off of the interstate and enters a town is considered to have "entered a municipality." However, this does not mean entering the city limits while remaining on any Interstate, US or State highway that continues to be controlled-access.
- G. Non-Pursuit Vehicle (NPV)** – Vehicle not designated by the manufacturer as a certified pursuit vehicle and/or improperly equipped for pursuit activities.
- H. Primary Pursuit Officer** – Normally the initiating officer of the pursuit, unless relieved by another officer. They are in immediate field command of the pursuit, and are the leading unit in the pursuit. In the absence of a pursuit supervisor, or until relieved by one, they also have supervisory responsibilities pertaining to the pursuit.
- I. Pursuit** – An active attempt by a law enforcement officer in a motor vehicle to apprehend one or more occupants of another moving motor vehicle. The driver of the fleeing vehicle is aware of the attempt and is actively resisting apprehension by ignoring the officer's attempt to stop the vehicle, and/or displaying driving behavior to indicate knowledge of the apprehension attempt.
- J. Pursuit Critique** – A constructive critique of the pursuit by employees involved, the supervisory chain, and the commander. This critique is mandatory after every pursuit where any property damage or physical injury occurs, and is conducted at the commander's discretion for all other pursuits. It is to be held within 7 days of the pursuit, unless the zone commander grants a waiver.
- K. Pursuit Recap** – A standardized form to be completed by the Primary Pursuit Officer in DPS initiated pursuits and the Secondary Pursuit Officer when assisting other agencies with their pursuits. They are to be forwarded to the district commander as part of the "Pursuit Packet." The Pursuit Recap shall be completed on all pursuits, and a copy of all submitted materials retained in the district.
- L. Pursuit Supervisor** – Commissioned officer, usually a sergeant, assigned as shift supervisor at the time a pursuit is initiated; may also be a patrolman who has been assigned as shift supervisor during a shift. The pursuit supervisor is generally the central authority during pursuits. The pursuit supervisor's duties may fall on the primary pursuit officer until he/she is relieved of those duties.
- M. Pursuit Vehicle** – Vehicle designated by the manufacturer as a certified pursuit vehicle (CPV), and properly equipped for pursuit activities.
- N. Reactive Control Model (RCM)** – A color coded chart illustrating the use of force continuum. It is a tool that guides an officer's use of force actions in response to a subject's behavioral and criminal activity cues.
- O. Roadblock Class "A"** – Approved driver's license, registration check, DWI roadblock or escaped fugitive checkpoint.
- P. Roadblock Class "B"** – A blockage of the road accomplished with material or equipment; i.e., lightweight road barricade devices, pylons, flares, stop sticks, hollow

spike belt etc., causing little or no damage to any vehicle striking it. Refer to *OPR:05 Hollow Spike Belt, Stop Sticks and Forcible Stops* for additional information.

Q. Roadblock Class "C" – A physical blockage of a roadway with material or equipment, which prohibits any avenue of escape upon the roadway. This is done for the purpose of stopping an individual posing an immediate threat of great bodily injury or death to officers, other motorists, or pedestrians. State owned equipment shall be used for this technique. Privately owned material or equipment may only be used as a last resort in an immediate emergency situation. A Class "C" Roadblock is considered deadly force and is not to be used unless the elements of deadly force are present; specifically, when immediate action is required to stop an individual posing an immediate threat of great bodily injury or death to officers, other motorists, or pedestrians. (Refer to RCM).

R. Secondary Pursuit Officer – Second or following unit in the pursuit; backs up primary pursuit officer, takes over communications once involved in the pursuit, and provides updated information to dispatch.

S. Unmarked Patrol Vehicle – A vehicle displaying a standard State of New Mexico registration license plate and designated by the New Mexico State Police Chief as an authorized emergency vehicle. Vehicle shall be equipped with red flashing lights and a siren and shall not have any decals affixed to the exterior.

Clarification added.

T. Vehicle-to-Vehicle Contact – The intentional contact by a police unit with a fleeing vehicle for the purpose of stopping the vehicle. This technique is only to be used as a last resort, when the elements of deadly force are present; specifically, when immediate action is required to stop an individual posing an immediate threat of great bodily injury or death to officers, other motorists, or pedestrians (Refer to RCM).

U. Voluntary Termination – Department terminology used to describe the primary pursuit officer's decision to discontinue a pursuit or the order to discontinue a pursuit by a pursuit supervisor. The actions that an officer will take when conducting a voluntary termination are: emergency equipment on all pursuing units will be turned off and the units will either stop, resume posted driving speed, and/or turn around.

6.0 PROCEDURE

A. A pursuit may be initiated when, in the officer's opinion, an individual clearly exhibits intent to avoid arrest by using a motor vehicle to actively flee.

B. If the driver of a vehicle fails to stop as required, officers may continue to follow, until:

1. Relieved by another officer.
2. The violator voluntarily stops.
3. The violator is forcibly stopped.
4. The pursuit is voluntary terminated by the officer.

C. Unless approved by the pursuit supervisor, only two pursuit units shall be utilized. This does not preclude officers not directly involved in the pursuit from positioning themselves at strategic locations along the anticipated route in order to be available, if necessary.

D. The department originating the pursuit will remain in control and be responsible for the outcome unless turned over to another department. An officer representing a particular agency requesting assistance in the vehicle pursuit will remain the Primary Pursuit Officer.

E. DPS personnel will refrain from assuming the role of Primary Pursuit Officer in pursuits originating from other agencies, unless specifically authorized by a supervisor.

- F.** Commissioned personnel assisting another agency in a pursuit shall terminate involvement in the pursuit if the other agency's actions are contrary to this policy.
- G.** When pursuing a wrong-way driver commissioned personnel are discouraged from driving their patrol vehicles the wrong way on any divided highway unless articulable circumstances make it necessary to do so (e.g. conducting vehicle-to-vehicle contact in order to stop pursuit). Otherwise commissioned personnel should pursue in the correct lane of travel or median.

H. Primary Pursuit Officer

1. Shall consider the following factors, when making a decision to pursue a violator:
 - a. Nature of violation.
 - b. Presence of pedestrians and traffic conditions.
 - c. Population density in the area.
 - d. Road and weather conditions.
 - e. Familiarity with the area.
 - f. Patrol vehicle capability.
 - g. Familiarity of the violator, if identity known.
 - h. If non-commissioned persons are passengers or a person is in custody, in the patrol vehicle, a pursuit shall not be initiated or participated in.
2. Upon initiating a pursuit, shall engage emergency lights, siren, and video camera to include audio if equipped.
 - a. The operator of an unmarked unit, whether it is a CPV or NPV, may initiate a pursuit only when an officer has reasonable grounds to believe the offender presents a clear and immediate threat to the safety of other motorists or the public, or if the offender committed, or is committing, a violent felony.
 - b. The operator of an unmarked unit may initiate a pursuit only if the unit is equipped with a siren and red flashing lights. The operator of an unmarked unit shall make an immediate request for a marked unit, preferably a CPV, to take over the pursuit. When a marked unit becomes available, the unmarked unit shall withdraw from the primary pursuit position and assume the position of a secondary pursuit unit. When a second marked unit engages in the pursuit, the unmarked unit will immediately withdraw, allowing the two marked units to actively pursue.
 - c. Motorcycle units are strongly discouraged from initiating pursuits unless the officer has reasonable grounds to believe the offender presents a clear and immediate threat to the safety of other motorists or the public, or if the offender committed, or is committing, a violent felony. The motorcycle operator, upon initiating a pursuit will immediately request a marked unit, preferably a CPV, to take over the pursuit. When a marked CPV unit becomes available the motorcycle unit shall withdraw from the primary pursuit position and assume the secondary position. When a second marked unit engages in the pursuit, the motorcycle unit will immediately withdraw, allowing the two marked units to actively pursue. Due to the inherent dangers associated with motorcycle operations, motorcycle operators will exercise due diligence during pursuit operations.
 - d. Marked NPV units are discouraged from initiating pursuits; however, officers who initiate a pursuit with these vehicles shall use due care while in pursuit and shall

relinquish primary pursuit responsibilities when a marked CPV unit becomes involved in the pursuit.

3. Upon initiating a pursuit:
 - a. Shall assume a pursuit supervisor's responsibilities until relieved of those duties.
 - b. Shall request that a supervisor be notified of the pursuit.
 - c. Shall provide the telecommunications specialist with the following pertinent information regarding the pursuit:
 1. Reason for pursuit.
 2. Present location, direction and speed of the pursuit.
 3. Description of pursued vehicle, including the license plate number, if known.
 4. Description and number of occupants.
 5. Update the telecommunications specialist, as often as possible, as to direction, speed, location, dangerous activity by pursued driver and any other factors that could be dangerous to the public or pursuit participants.
4. The use of firearms, vehicle-to-vehicle contact, and Class "C" roadblocks during pursuits are authorized when the elements of deadly force are present; specifically, when an immediate action is required to stop an action posing an immediate threat of great bodily injury or death to officers, other motorists, or pedestrians.
5. Shall complete an offense/incident report, Use of Force Report (if applicable), and a Pursuit Recap form within three (3) days of the pursuit and forward it through the chain of command to the Office of the Chief.

I. Telecommunications Specialist

1. Shall "clear the air" by notifying units of the pursuit and designating a channel for pursuit use. At the end of the pursuit, shall notify units to resume normal traffic.
2. Locate a back-up or secondary pursuit vehicle to join the pursuit.
3. Notify a supervisor and provide the initial pursuit information.
4. Alert police authorities in the apparent path of the pursuit.
5. Obtain file and registration checks.
6. Continually update the supervisor and officers as to the pursuit direction, speed, location, and dangerous circumstances involved in the pursuit by repeating back information received over the air on the pursuit channel.
7. Should a pursuit be terminated, the telecommunications specialist shall notify local law enforcement agencies by teletype or other means of communication informing them of pursuit termination. In instances of voluntary termination, they shall pass on detailed information relating to the pursuit, including pertinent vehicle information, route of travel, etc.

J. Pursuit Supervisor

1. Assumes overall responsibility for controlling the pursuit tactics, including, but not limited to:
 - a. Requesting other departmental assistance.

- b. Ordering other units to assist in the pursuit or discontinue the pursuit, as the situation dictates. Should the pursuit be terminated, ensure the telecommunications specialist has informed local law enforcement agencies.
- c. Establishing roadblocks.
- d. Deploying "controlled tire deflation devices" where applicable. (Refer to DPS Policy *OPR:05 Hollow Spike Belt, Stop Sticks and Forcible Stops*).
- e. Request aircraft when appropriate.

NOTE: If aircraft is utilized in a pursuit, the pilot will notify the respective communications center, upon positioning to follow the pursued vehicle. The pilot may assist in any way possible.

- 2. Order the termination of a pursuit if it is believed the continuation will be more dangerous to the public, officers, and/or the person being pursued than the necessity to capture the suspect.
 - a. Items for consideration:
 - 1. Duration of pursuit.
 - 2. Entering into a municipality.
- 3. Shall ensure the Pursuit Recap is completed by the primary pursuit officer and included in the Pursuit Packet.
- 4. At the conclusion of a pursuit, for administrative purposes, the supervisor will prepare a Pursuit Packet. This is to include:
 - a. All police reports related to the pursuit.
 - b. Recording of all radio transmissions during the pursuit (if applicable).
 - c. Copies of all audio and visual recordings.
 - d. Intra-Departmental Correspondence (IDC) providing any and all relevant information concerning the pursuit, whether the supervisor was notified immediately or not.
 - e. Pursuit Recap.
 - f. Use of Force Report (if applicable).

The district commander is responsible for the submission of a complete Pursuit Packet through the chain of command within twenty-one (21) days of the pursuit.

K. Secondary Pursuit Officer

- 1. In pursuits initiated by DPS the following actions shall be taken:
 - a. Notify telecommunications specialist of presence and involvement. Assist the Primary Unit in the apprehension of the fleeing vehicle, and should the Primary Unit experience equipment failure, the Secondary Unit may continue the pursuit.
 - b. Assume the primary communications role, and periodically update the telecommunications specialist with all pertinent information such as direction, speed, location, dangerous activity by pursued driver, and any other factors that could be dangerous to the public or pursuit participants.

- c. Shall complete a supplemental offense/incident report within three (3) days of the pursuit, which will be incorporated into the Pursuit Packet prepared by the Primary Pursuit Officer.

2. Reporting Requirements for Assists to Other Agencies

- a. When assisting in pursuits initiated by another law enforcement agency officers will adhere to the Secondary Pursuit Officer procedures listed in this policy, but will take alternative reporting actions.

1. If the officer actively becomes involved in the other agencies pursuit the following items shall be completed for the Pursuit Packet:

- a. An offense/incident report detailing their involvement in the other agency's pursuit and a Pursuit Recap within three (3) days. The Pursuit Recap will contain all information available to the Secondary Pursuit Officer. The name of the agency being assisted will be placed in the box marked "Primary Pursuit Officer."

- b. All DPS audio, visual, and dispatch recordings of the incident.

- c. An IDC drafted by a supervisor.

- d. Use of Force Report (if applicable).

2. If the officer's only role is the deployment of the hollow spike belt or stop sticks they will not complete a Pursuit Recap, however, the following items will be completed for the Pursuit Packet:

- a. An offense/incident report detailing their involvement in the other agency's pursuit.

- b. A diagram showing the location and set up of stop sticks.

- c. All DPS audio, visual, and dispatch recordings of the incident.

- d. An IDC drafted by a supervisor.

NOTE: This documentation will be completed whether the offender strikes the stop sticks or is able to avoid them. This does not include the deployment of hollow spike belts or stop sticks solely to prevent vehicles from leaving the immediate area. Refer to *OPR:05 Hollow Spike Belt, Stop Sticks and Forcible Stops* for further information.

3. If the officer attempts to assist another agency with their pursuit, but never actively becomes involved (e.g. pursuit terminated prior to their involvement) then no reporting is necessary other than documentation on their daily recap.

The timeline for pursuit critiques and Pursuit Packet submission to zone commanders will remain the same as for DPS initiated pursuits.

L. All Personnel - All personnel shall terminate participation in a pursuit when:

1. Ordered to do so by a supervisor.
2. The identity of the driver is known and there is no longer a need for immediate apprehension.
3. Weather and/or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect.
4. Visual contact with the suspect vehicle is lost and it is unlikely that contact will be immediately re-established.

5. The danger posed by continued pursuit to the public, the officers, or the suspect is greater than the value of apprehending the suspect.
6. The pursuit is entering a municipality and the only known offense is a misdemeanor or non-violent felony.
7. The actions of any commissioned officers participating in the pursuit are contrary to this policy.

M. Investigations Bureau

1. The Investigations Bureau is responsible for the criminal investigation of all use of deadly force incidents involving departmental personnel and/or vehicles in which the application of deadly force has or reasonably could have resulted in a physical injury or death to any person, or as directed by the Chief of the New Mexico State Police. For further information refer to *OPR:29 Investigation of Use of Deadly Force Incidents*.
2. Evidence retained as a result of the investigation will be maintained in accordance with Investigations Bureau procedures. Therefore, evidentiary items, such as cassette tapes of all radio transmissions, audio and visual recordings, etc., will be collected and preserved by the agent assigned to the investigation.

N. Commander

1. The commander of the Primary Pursuit Officer shall:
 - a. Review the Pursuit Recap and all documents to ensure accuracy and compliance with departmental rules, regulations, policy and procedure.
 - b. Forward the documents to the zone commander within twenty-one (21) days of the pursuit.
 - c. Conduct a pursuit critique, if necessary, within seven (7) days of the pursuit. The open critique session is intended as a constructive assessment of the pursuit emphasizing both the positive and negative aspects of the pursuit, for training purposes.
2. Pursuit Review
 - a. All pursuits will be reviewed by the supervisors in the chain of command for compliance with this policy. If possible misconduct is discovered, the supervisor will recommend that an inquiry be conducted by the Standards Bureau, or file an internal complaint in accordance with DPS Policy *ADM:04 Internal Investigations*. The case will be handled in accordance with that policy.
 - b. The Standards Bureau will conduct the Final Review for compliance with this policy, along with any necessary statistical data collection.
 - c. The DPS Pursuit Review Committee shall conduct an annual review and analysis of all Law Enforcement Program vehicle pursuits. The committee chairperson will be responsible for completing an annual report, based on the committee's analysis. The analysis shall minimally focus on patterns or trends that could indicate training needs, equipment upgrades or policy modifications. The completed analysis will be submitted to the Office of the Chief no later than January 31st following the year being evaluated.

7.0 ATTACHMENTS

A. New Mexico Department of Public Safety Pursuit Recap

8.0 APPROVAL

APPROVED BY: s/Gorden E. Eden Jr.
DPS Cabinet Secretary

DATE: June 16, 2011